

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

No. C 02-1486 CW
ORDER RE:
BIFURCATION OF
TRIAL

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Plaintiffs and JDSU Defendants have each filed a report regarding bifurcation of the trial and related issues. Having considered the parties' papers and good cause appearing therefor, the Court hereby orders that by Wednesday, October 17 at 9:00 AM, Defendants shall file a notice of their decision whether to waive their right to a jury trial on issues of reliance and individual damages. In making that decision, Defendants should consider the following two options available to them:

1. Waiver of Jury: At trial, Plaintiffs will proceed on a theory of per share damages. After the jury has made its determination of liability and per share damages, the parties may

1 file briefs regarding the calculation of aggregate damages, the
2 proper amount to be placed in the common fund and outlining their
3 proposals for the claims procedure. The Court will determine
4 aggregate damages and the proper amount to be placed in the common
5 fund. Judgment will not enter until the conclusion of the claims
6 procedure.

7 2. No Waiver of Jury: All issues will be addressed during
8 the currently scheduled nineteen-day jury trial. If Defendants
9 elect not to waive their right to a jury, they shall file a
10 proposal regarding the amount of time they intend to reserve for
11 their individual damages defense by 5:00 PM on Wednesday, October
12 17, 2007. Plaintiffs shall file a response, including a notice of
13 the time they intend to reserve for rebuttal on these issues, by
14 5:00 PM on Thursday, October 18, 2007. At the Monday, October 22,
15 2007 conference, the Court will determine whether these issues will
16 be addressed by Defendants in their case-in-chief and the
17 Plaintiffs in their rebuttal or whether the parties will use their
18 reserved time to address these issues in a bifurcated proceeding
19 before the same jury following the entry of a verdict on liability.

20 IT IS SO ORDERED.

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22 Dated: October 16, 2007



23 CLAUDIA WILKEN
24 United States District Judge
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